

**ALLEGED SHIPMENT:** On or about October 11, 1945, by John Milazzo, from New York, N. Y.

**PRODUCT:** 216 cartons, each containing 18 10-ounce boxes, of candy at Boston, Mass.

**LABEL, IN PART:** "Torrone Benevento Nougat Candy Manufactured by Casale & Affronti Co., Brooklyn 1, N. Y."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container was so filled as to be misleading, since the candy occupied on an average only 56 percent of the box. (There were 18 small boxes in each carton, and each small box contained a piece of nougat candy wrapped in wax paper.)

**DISPOSITION:** On March 14, 1946, the case was transferred to the Southern District of New York on motion of the claimant, Casale & Affronti Co. On August 18, 1948, the claimant withdrew its claim and answer, and a decree of condemnation and destruction was entered.

**13574. Misbranding of candy. U. S. v. 74 Packages, etc. (and 1 other seizure action).** (F. D. C. No. 23994. Sample Nos. 36424-K, 36425-K.)

**LIBELS FILED:** December 9, 1947, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 19, 1947, by the Associated Foods Co., from Philadelphia, Pa.

**PRODUCT:** 82 1-pound packages and 296 11-ounce packages of candy at Seattle, Wash.

**LABEL, IN PART:** "Majesty Creamy Mints Net Weight 1 Lb.," or "Net Weight 11 Oz. or over Majesty Creamy Mints."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers were so made, formed, and filled as to be misleading, since the product in the 1-pound box occupied approximately 56 percent of the volume of the box and the product in the 11-ounce tin occupied approximately 64 percent of the volume of the tin.

**DISPOSITION:** April 15, 1948. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**13575. Adulteration of Cracker Jack. U. S. v. 226 Cases, etc. (F. D. C. No. 24617. Sample Nos. 16837-K, 16847-K, 16848-K.)**

**LIBEL FILED:** April 30, 1948, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 13, 1947, and January 19 and April 6, 1948, by the Cracker Jack Co., from Chicago, Ill.

**PRODUCT:** Cracker Jack. 226 cases, each containing 100 boxes, 112 cases, each containing 123 boxes, and 45 cases, each containing 24 boxes, at Milwaukee, Wis.

**LABEL, IN PART:** "Cracker Jack Popcorn Confection Net Wgt. 1¼ Oz. Toy or Novelty in each package."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained metal and plastic toys, added deleterious substances, which may have rendered the product injurious to health; and, Section 402 (d), it was a confection and contained nonnutritive articles, plastic and metal toys.

**DISPOSITION:** August 31, 1948. The shipper and the consignee having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered delivered to charitable institutions, conditioned that the unwrapped plastic and metal toys be removed from the packages before distribution to the inmates.

#### SIRUP AND SUGAR

**13576. Adulteration and misbranding of pancake sirup. U. S. v. 18 cases \* \* \*.** (F. D. C. No. 23175. Sample No. 90638-H.)

**LIBEL FILED:** June 11, 1947, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 11, 1947, by Big Maple Food Products, from Brooklyn, N. Y.

**PRODUCT:** 18 cases, each containing 24 pint bottles, of pancake sirup at Windsor, N. C.

**LABEL, IN PART:** "Contents 1 Pint Big Maple Brand Pancake Syrup [Design of maple trees] Cane Sugar Syrup Pure Maple Flavor."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a sirup with a flavor similar to dilute molasses had been substituted for "Cane Sugar Syrup Pure Maple Flavor," which the product was represented to be.

Misbranding, Section 403 (a), the label statement "Big Maple Brand Pancake Syrup Cane Sugar Syrup Pure Maple Flavor" and the design of maple trees were false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the labeled "1 Pint.")

**DISPOSITION:** September 10, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13577. Adulteration and misbranding of sorghum sirup. U. S. v. 163 Cases**  
\* \* \*. (F. D. C. No. 24630. Sample No. 26176-K.)

**LIBEL FILED:** On or about May 24, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about March 26, 1948, by E. R. Crone & Son, from Winnsboro, Tex.

**PRODUCT:** 163 cases, each containing 12 unlabeled half-gallon buckets, of a product invoiced as "Sorghum," at Joplin, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of corn sirup and other sirups had been substituted in whole or in part for sorghum sirup.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, since it was referred to as "Sorghum" on the invoice; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

**DISPOSITION:** June 1948. E. R. Crone & Son having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for proper labeling, under the supervision of the Food and Drug Administration.

**13578. Adulteration of sugar. U. S. v. Belt's Wharf Warehouses, Inc., and John H. Kraus. Pleas of guilty. Corporation fined \$500 and costs; individual defendant fined \$1. (F. D. C. No. 24053. Sample Nos. 85334-H, 85460-H, 90481-H.)**

**INFORMATION FILED:** February 18, 1948, District of Maryland, against Belt's Wharf Warehouses, Inc., Baltimore, Md., and John H. Kraus, secretary-treasurer and manager.

**ALLEGED SHIPMENT:** On or about July 25 and 30, 1947, from the State of Maryland into the State of Virginia.

**LABEL, IN PART:** "Pure Cane Turbinado Sugar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance. (Rodent urine and excreta were observed on the outside of the bags, and some bags had been cut and not resewn.) Further adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 15, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$500, together with costs, and the individual defendant was fined \$1.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 13579 to 13585, and that was below the legal standard for milk fat content, Nos. 13586 to 13588.

**13579. Adulteration of butter. U. S. v. Thomas H. Beasley (Beasley Produce Exchange). Plea of guilty. Fine, \$100. (F. D. C. No. 24508. Sample Nos. 8820-K, 19204-K, 19205-K.)**

**INFORMATION FILED:** March 15, 1948, Western District of Virginia, against Thomas H. Beasley, trading as Beasley Produce Exchange, Roanoke, Va.